

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff, and

AQUINNAH/GAY HEAD COMMUNITY
ASSOCIATION, INC. (AGHCA) and
TOWN OF AQUINNAH,

Plaintiff-Intervenors,

v.

No. 1:13-CV-13286-FDS

THE WAMPANOAG TRIBE OF GAY HEAD
(AQUINNAH), THE WAMPANOAG TRIBAL
COUNCIL OF GAY HEAD, INC., and THE
AQUINNAH WAMPANOAG GAMING
CORPORATION,

Defendants/Counterclaim-Plaintiffs, and

CHARLES D. BAKER, in his official capacity as
Governor of the Commonwealth of
Massachusetts, MAURA T. HEALEY, in her
official capacity as Attorney General of the
Commonwealth of Massachusetts, and CATHY
JUDD-STEIN, in her official capacity as Chair of
the Massachusetts Gaming Commission,

Third Party Defendants.

**THE TOWN OF AQUINNAH'S
MOTION FOR ENTRY OF FINAL JUDGMENT**

The Town of Aquinnah (the “Town”) hereby moves for the entry of its proposed final judgment, a copy of which is attached to this Motion. As explained in detail in the accompanying Memorandum of Law, which is incorporated herein by reference, the proposed final judgment reflects the decision of the First Circuit in *Massachusetts v. Wampanoag Tribe of Gay Head (Aquinnah)*, 853 F.3d 618 (1st Cir. 2017), as well as this Court’s order on the Town’s motion for a preliminary injunction, ECF No. 140, as incorporated in the portion of this Court’s final judgment, ECF No. 158, from which no appeal was taken. Expeditious entry of the proposed final judgment is necessary to prevent the Town from suffering irreparable injury.

WHEREFORE, the Town respectfully requests that this motion be granted, and that the Court enter the Town’s proposed final judgment as soon as possible.

Dated: April 4, 2019

Respectfully submitted,

TOWN OF AQUINNAH

By its attorneys,

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LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Ronald H. Rappaport, certify that counsel for the Town of Aquinnah sought to confer with counsel for all other parties in this matter in a good faith attempt to narrow or resolve the issues raised by this motion, and to obtain assent to the proposed final judgment. The Wampanoag Tribe of Gay Head (Aquinnah) and the Wampanoag Tribal Council of Gay Head, Inc., were unable to provide a timely response due to the Tribal Council's meeting schedule. The Commonwealth of Massachusetts indicated that it does not oppose the Town's motion and continues to take the same position on State and local permitting requirements that it took at the hearing on the preliminary injunction motion, ECF No. 142. All other parties, including the Aquinnah Wampanoag Gaming Corporation, agreed to entry of a final judgment reflecting the decision of the First Circuit in *Massachusetts v. Wampanoag Tribe of Gay Head (Aquinnah)*, 853 F.3d 618 (1st Cir. 2017). The Aquinnah/Gay Head Community Association, Inc. also agreed to the portion of the proposed final judgment that incorporates this Court's order on the Town's motion for a preliminary injunction, ECF No. 140, as incorporated in the portion of this Court's final judgment, ECF No. 158, from which no appeal was taken. The Aquinnah Wampanoag Gaming Corporation opposes this latter portion of the proposed final judgment.

DATE: April 4, 2019

/s/ Ronald H. Rappaport
Ronald. H. Rappaport

CERTIFICATE OF SERVICE

I, Douglas J. Kline, certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 4, 2019.

/s/ Douglas J. Kline
Douglas J. Kline